



JOINT STATE OFFICE

June 6, 2006

SUBJECT: PROPOSED CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) PERMIT IMPLEMENTATION REGULATIONS (AB 1497)

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Dear Ms. Garcia:

Thank you for the opportunity to provide comments on the draft regulations for the proposed permit implementation regulations (AB1497). The California Refuse Removal Council (CRRC) is appreciative of the excellent deliberative process that has transpired up to this point and we look forward to continuing working with you in the development of the regulations. As we have communicated to CIWMB members and staff, we believe that the draft regulations contain many useful and worthwhile elements.

With this in mind, the CRRC supports the following elements of the proposed regulations:

- The new method to change activities at a solid waste facility by means of a “modified permit” to allow modifications to a permit for changes that are less than significant;
- The requirement for additional noticing requirements and informational meetings (hearings) for new and revised permits;
- The requirement for the EA to notify all facility operators when they must apply for a five-year permit review of their permit, bringing consistency to the process;
- The “Nonmaterial change “ lists as defined in Alternative 2.

What constitutes "significance"?

One of our primary concerns has to do with the longstanding problem of defining “significant change” at a solid waste facility. This has been attempted for almost twenty years without noteworthy results. Nonetheless, the EA and the CIWMB have worked together during that time to continue permitting new and “changing” facilities. Your draft regulations include the following attempt at a definition:

Section 21563(d)(6)

"Significant Change" means a change in design or operation of a solid waste facility where the EA has determined pursuant to §21665 that the change is of such consequence that the solid waste facilities permit needs to include further restrictions, prohibitions, mitigations, conditions or other measures to adequately protect public health, public safety, ensure compliance with State minimum standards or to protect the environment.

We do not take issue with this definition as far as it goes, and admittedly, it is very difficult to develop a definition that is concise and comprehensive to the point of providing clear guidance to the EA and the operator. You have also provided an Alternative 3 “Significant Change List” as shown below:

Section 21620 (4)

Notwithstanding anything to the contrary in §21665(e), the following changes in design or operation are considered significant and require an application for a revised permit:

(A) Increase in maximum amount of permitted tonnage of all waste received.

(B) Increase in the facility's permitted acreage.

(C) Increase in the permitted hours of operation.

(D) For landfill, increase in permitted disposal footprint and/or permitted (final grade) the maximum overall height.

When the definition and the list are utilized together, there is an implication that any specified increases in tonnage, acreage, hours of operation, or permitted footprint are significant, and this is clearly not necessarily the case. In addition, the A-D designations above would negate the use of the decision tree which is the core structure of the new regulations. Thus, the list is not helpful as it is currently stated.

We believe that such a list is important and in order to utilize the decision tree more effectively, and to add more clarity and certainty to the permit process, we would suggest that the significant change list utilize a 10% threshold. This would allow for facility changes that are less than 10% to be considered through the decision tree process, and for facilities with greater than 10% change to be considered significant change.

Again, thank you for allowing us to participate and provide input to the proposed regulatory structure. We look forward to continuing working together on this important issue.

Please feel free to contact us with any questions or comments

Sincerely,

George T. Eowan

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